

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

TAMARA WAREKA p/k/a TAMARA WILLIAMS,

Plaintiff,

v.

SOCIETY19 MEDIA, LLC; and DOES 1 through 10, inclusive,

Defendant.

Case No.: 1:22-cv-10081

COMPLAINT

DEMAND FOR JURY TRIAL

COMPLAINT

Plaintiff Tamara Wareka p/k/a Tamara Williams, for her Complaint against Society19 Media, LLC and DOES 1 through 10 inclusive, alleges as follows:

JURISDICTION AND VENUE

1. This is a civil action seeking damages and injunctive relief for copyright infringement under the Copyright Act of the United States, 17 U.S.C. § 101 *et seq.*

2. This Court has subject matter jurisdiction over Plaintiff's claims for copyright infringement pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1338(a).

3. This court has personal jurisdiction over Defendant because Defendant's acts of infringement complained of herein occurred in the Commonwealth of Massachusetts, Defendant's acts of infringement were directed towards the Commonwealth of Massachusetts, Defendant caused injury to Plaintiff within the Commonwealth of Massachusetts, and Defendant has a physical presence in the Commonwealth of Massachusetts.

4. Venue in this judicial district is proper under 28 U.S.C. § 1391(c) and 1400(a) in that this is the judicial district in which a substantial part of the acts and omissions giving rise to the claims occurred.

PARTIES

5. Tamara Warkea p/k/a Tamara Williams (“Williams”) is an individual and professional photographer.

6. Society19 Media, LLC (“Society19”) is a Wyoming corporation with a business address of 500 W. Cummings Park, Suite 6000, Woburn, MA 01801.

7. Plaintiff is unaware of the true names and capacities of the Defendants sued herein as DOES 1 through 10, inclusive, and for that reason, sues such Defendants under such fictitious names. Plaintiff is informed and believes and on that basis alleges that such fictitiously named Defendants are responsible in some manner for the occurrences herein alleged, and that Plaintiff’s damages as herein alleged were proximately caused by the conduct of said Defendants. Plaintiff will seek to amend the complaint when the names and capacities of such fictitiously named Defendants are ascertained. As alleged herein, “Defendant” shall mean all named Defendants and all fictitiously named Defendants.

FACTUAL ALLEGATIONS

Tamara Williams Is A Professional Beauty Photographer

8. Tamara Williams is a highly successful freelance photographer specializing in beauty and fashion photography. Williams is most well-known for her natural and clean model portraiture featured on her highly popular Instagram account @tamarawilliams1, which has amassed over 400,000 followers.

9. Williams’ work has been featured in top publications such as *Vogue*, *Harper’s Bazaar*, *Marie Claire*, *Elle*, *L’Officiel*, *Glamour*, *Cosmopolitan*, *Maxim*, and many more. Additionally, her work has been used commercially by brands such as *NARS*, *KKW*, *Fenty*, and *Benefit*.

10. Williams is the author and exclusive rights holder to 27 photographs (the “Photographs”).

11. Attached hereto as Exhibit A are true and correct copies of the Photographs.

12. Williams registered Photograph with the United States Copyright Office under registration certificates VA 2-130-596, VA 2-178-318, VA 2-178-320, VA 2-114-447, VA 2-116-887, VA 2-116-904, VA 2-116-917, VA 2-116-918, VA 2-116-919, VA-2-116-920, and VA 2-197-148.

Society19 Is An Online Publishing Platform

13. Defendant Society19 is an online publishing company that aims “to provide comprehensive digital marketing services for companies that are aiming to reach millennials and college students.” See <https://bit.ly/3EMo9SP> .

14. Society19 is the owner and operator of the website www.society19.com (“Website”).

15. Through its website, Society19 invites contributors to submit articles on a number of topics, including beauty and fashion.

16. Although content is initially submitted by contributors, Society19 and its agents exercise significant discretion and control to determine what content, including photographs, ultimately get published on the Website.

17. According to the FAQ page on Society19’s Website, submitted articles are reviewed by Society19’s editorial team for approval prior to publication.

18. Additionally, Society19 content managers are responsible for placing “images that have a high Pinterest potential to ensure that your article receives the highest number of views possible.” See <https://bit.ly/3IEWbuQ> .

19. Attached hereto as Exhibit B is a true and correct copy of the FAQ page from Society19’s Website.

20. Society19 monetizes its Website through paid banner advertisements and, on information and belief, also receives a portion of sales of certain “curated products” through product placements in relevant articles featured on the Website. See <https://bit.ly/3oFnYmO>.

Society19 Engages In Mass Copyright Infringement

21. In 2020, Williams began to discover numerous infringements of her Photographs on the Society19 Website.

22. Williams discovered an article on the Website dated July 31, 2019 titled “9 Fall Beauty Looks To Obsess Over” which featured one of her Photographs.

23. The text below Williams’ Photograph in the article reads “Get the look” and features an image of a product which when clicked, takes the reader to the website for the makeup retailer Sephora.

24. Attached hereto as Exhibit C is a true and correct copy of the article “9 Fall Beauty Looks To Obsess Over.”

25. Williams also discovered an article on the Website dated July 26, 2019 titled “The Best Eye Creams That You Should Know About” which featured six of her Photographs.

26. The text below each of Williams’ Photographs in the article reads “Shop the product” and features an image of a product which when clicked, takes the reader to a page selling the product.

27. Attached hereto as Exhibit D is a true and correct copy of the article “The Best Eye Creams That You Should Know About.”

28. Williams also discovered an article on the Website dated October 29, 2019 titled “12 Lazy-Girl Tips To Look Cute With Little Effort” which featured one of her Photographs.

29. Attached hereto as Exhibit E is a true and correct copy of the article

“12 Lazy-Girl Tips To Look Cute With Little Effort.”

30. Williams also discovered an article on the Website dated March 31, 2019 titled “10 Wedding Makeup Looks To Wear On The Big Day” which featured two of her Photographs.

31. Williams also noticed that one of the two Photographs used in the article contained her watermark “@tamarawilliams1.”

32. Attached hereto as Exhibit F is a true and correct copy of the article “10 Wedding Makeup Looks To Wear On The Big Day.”

33. Williams also discovered an article on the Website dated August 17, 2019 titled “5 Common Skincare Mistakes And How To Fix Them” which featured four of her Photographs.

34. Attached hereto as Exhibit G is a true and correct copy of the article “5 Common Skincare Mistakes And How To Fix Them.”

35. Williams also discovered an article on the Website dated September 9, 2019 titled “How To Transition Your Makeup Bag From Summer To Fall” which featured seven of her Photographs.

36. Attached hereto as Exhibit H is a true and correct copy of the article “How To Transition Your Makeup Bag From Summer To Fall.”

37. Williams also noticed that one of the Photographs used in the article contained her watermark “@tamarawilliams1.”

38. The text below six of Williams’ Photographs in the article reads “Shop the product” and features an image of a product which when clicked, takes the reader to a page selling the product.

39. Williams also discovered an article on the Website dated May 31, 2019 titled “The Best Super Coloured Eyeliners You Should Try” which featured one of her Photographs.

40. Williams also noticed that the Photograph used in the article contained

her watermark “@tamarawilliams1.”

41. The text below Williams’ Photograph in the article reads “Shop the product” and features an image of eyeliner which when clicked, takes the reader to the website for the makeup retailer Sephora.

42. Attached hereto as Exhibit I is a true and correct copy of the article “The Best Super Coloured Eyeliners You Should Try.”

43. Williams also discovered an article on the Website dated May 14, 2018 titled “10 Minimal Makeup Looks That Take 10 Minutes Or Less” which featured one of her Photographs.

44. The text below Williams’ Photograph in the article reads “Shop the look” and features an image of a makeup compact which when clicked, takes the reader to an Amazon page for the product “Milani Baked Blush.”

45. Attached hereto as Exhibit J is a true and correct copy of the article “10 Minimal Makeup Looks That Take 10 Minutes Or Less.”

46. Williams also discovered an article on the Website dated August 23, 2018 titled “How To Master the No Makeup Makeup Look, And Rock It” which featured one of her Photographs.

47. Attached hereto as Exhibit K is a true and correct copy of the article “How To Master the No Makeup Makeup Look, And Rock It.”

48. Williams also discovered an article on the Website dated December 31, 2019 titled “8 Best Eyeshadow Looks For Green Eyes” which featured two of her Photographs.

49. Williams also noticed that one of the three Photographs used in the article contained her watermark “@tamarawilliams1.”

50. Attached hereto as Exhibit L is a true and correct copy of the article “8 Best Eyeshadow Looks For Green Eyes.”

51. Williams also discovered an article on the Website dated April 9,

2019 titled “10 Makeup Looks That’ll Make You Glow This Summer” which featured one of her Photographs.

52. Attached hereto as Exhibit M is a true and correct copy of the article “10 Makeup Looks That’ll Make You Glow This Summer.”

53. Williams also discovered an article on the Website dated April 27, 2019 titled “8 Summer Eyeshadow Trends You Need To Know About” which featured two of her Photographs.

54. Attached hereto as Exhibit N is a true and correct copy of the article “8 Summer Eyeshadow Trends You Need To Know About.”

55. Williams also discovered an article on the Website dated September 15, 2020 titled “12 Eyeliner Tutorials That Can Change Your Look” which featured one of her Photographs.

56. Attached hereto as Exhibit O is a true and correct copy of the article “12 Eyeliner Tutorials That Can Change Your Look.”

57. Williams also discovered an article on the Website dated June 19, 2020 titled “5 Makeup Looks To Try Out For Green Eyes” which featured one of her Photographs.

58. Attached hereto as Exhibit P is a true and correct copy of the article “5 Makeup Looks To Try Out For Green Eyes.”

59. Collectively these will be referred to as the Infringing Articles.

Society19 Does Not Respond To Williams’ Communications

60. Subsequently, on March 26, 2020 Williams, through counsel, sent a letter to copyright@society19.com demanding that Society19 immediate cease and desist.

61. Society19 never responded.

62. Counsel for Williams subsequently made no less than 10 additional attempts to contact Society19 by email, phone, and traditional mail.

63. Society19 never responded to counsel's attempts to communicate.

64. As of the date of this Complaint, Williams' Photographs have not been taken down from the Society19 Website.

65. Attached hereto as Q are true and correct timestamped screenshots of the Photographs currently being displayed on the Society19 Website.

66. Williams did not give Society19 permission to use any of her Photographs on the Website.

67. Williams is informed and believes that agents of Society19 are responsible for causing the Photographs to be published onto the Society19 Website.

**FIRST CAUSE OF ACTION
COPYRIGHT INFRINGEMENT
17 U.S.C. § 101 *et seq***

68. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

69. Plaintiff did not consent to, authorize, permit, or allow in any manner the said use of Plaintiff's unique and original Photographs.

70. Plaintiff is informed and believes and thereon alleges that the Defendant willfully infringed upon Plaintiff's copyrighted Photographs in violation of Title 17 of the U.S. Code, in that it used, published, communicated, posted, publicized, and otherwise held out to the public for commercial benefit, the original and unique Photographs of the Plaintiff without Plaintiff's consent or authority, by using it in the Infringing Articles on Defendant's Website.

71. Plaintiff is informed and believes that Defendant has the ability to supervise and control the content that is published on the Website and that it receives a direct financial benefit from the infringing use of the Photographs through paid banner advertisements and revenue from the sales of products.

72. As a result of Defendant's violations of Title 17 of the U.S. Code,

Plaintiff is entitled to any actual damages pursuant to 17 U.S.C. §504(b), or statutory damages in an amount up to \$150,000 per work infringed pursuant to 17 U.S.C. § 504(c).

73. As a result of the Defendant's violations of Title 17 of the U.S. Code, the court in its discretion may allow the recovery of full costs as well as reasonable attorney's fees and costs pursuant to 17 U.S.C § 505 from Defendants.

74. Plaintiff is also entitled to injunctive relief to prevent or restrain infringement of his copyright pursuant to 17 U.S.C. § 502.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendant as follows:

- For a finding that Defendant infringed Plaintiff's copyright interest in the Photographs by copying, displaying, and distributing them without a license or consent;
- For an award of actual damages and disgorgement of all of profits attributable to the infringement as provided by 17 U.S.C. § 504 in an amount to be proven or, in the alternative, at Plaintiff's election, an award for statutory damages against Defendant in an amount up to \$150,000 for each work infringed pursuant to 17 U.S.C. § 504(c), whichever is larger;
- For an injunction preventing Defendant from further infringement of all copyrighted works of the Plaintiff pursuant to 17 U.S.C. § 502;
- For costs of litigation and reasonable attorney's fees against Defendant pursuant to 17 U.S.C. § 505;
- For pre judgment interest as permitted by law; and
- For any other relief the Court deems just and proper.

Dated: January 20, 2022

Respectfully submitted,

/s/ Taryn R. Murray
Taryn R. Murray, Esq.
Mass Bar No. 703750
HIGBEE & ASSOCIATES
1504 Brookhollow Dr., Ste 112
Santa Ana, CA 92705-5418
(714) 617-8373
(714) 597-6729 facsimile
tmurray@higbeeassociates.com
Attorney for Plaintiff

/s/ Ryan E. Carreon
Ryan E. Carreon, Esq.
Pro Hac Vice forthcoming
HIGBEE & ASSOCIATES
1504 Brookhollow Dr., Ste 112
Santa Ana, CA 92705-5418
(714) 617-8373
(714) 597-6729 facsimile
rcarreon@higbeeassociates.com
Attorney for Plaintiff

DEMAND FOR JURY TRIAL

Plaintiff, Tamara Williams hereby demands a trial by jury in the above matter.

Dated: January 20, 2022

Respectfully submitted,

/s/ Taryn R. Murray
Taryn R. Murray, Esq.
Mass Bar No. 703750
HIGBEE & ASSOCIATES
1504 Brookhollow Dr., Ste 112
Santa Ana, CA 92705-5418
(714) 617-8373
(714) 597-6729 facsimile
tmurray@higbeeassociates.com
Attorney for Plaintiff

/s/ Ryan E. Carreon
Ryan E. Carreon, Esq.
Pro Hac Vice forthcoming
HIGBEE & ASSOCIATES
1504 Brookhollow Dr., Ste 112
Santa Ana, CA 92705-5418
(714) 617-8373
(714) 597-6729 facsimile
rcarreon@higbeeassociates.com
Attorney for Plaintiff